

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STEPHEN BURGETT,
(TDCJ-CID #1117535)

Plaintiff,

vs.

J. EDWARDS, *et al.*,

Defendants.

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CIVIL ACTION H-04-4826

MEMORANDUM AND OPINION

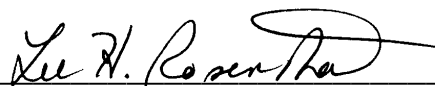
The plaintiff has not responded to this court's order of April 26, 2005, which required him to submit within thirty days a more definite statement of the facts on which his complaint is based. (Docket Entry No. 9). The court's order specifically provided that "[f]ailure to comply as directed may result in the dismissal of this action." With regard to this court's Order for More Definite Statement, the court must have clear answers to each of its questions before it can evaluate the merits of the plaintiff's claims. The plaintiff's failure to comply with this court's order forces this court to conclude that he lacks due diligence.

Under the inherent powers necessarily vested in a court to manage its own affairs, this court determines that dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626 (1962); *Woodson v.*

Surgitek, Inc., 57 F.3d 1406, 1417 (5th Cir. 1995); 8 J. Moore, *Federal Practice* § 41.51(3)(b) & (e) (3d ed. 1998). Upon a proper showing, relief from this order may be granted in accordance with FED. R. CIV. P. 60(b). *See Link*, 370 U.S. at 635.

This action is DISMISSED without prejudice for want of prosecution.

SIGNED on May 31, 2005, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal", written over a horizontal line.

Lee H. Rosenthal
United States District Judge